NORTHERN DISTRICT OF OHIO TOLEDO 2008 MAY 19 PM FILED

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO,

WESTERN DIVISION

Tronsen

v.

Toledo-Lucas County Public Library
(herein after also as 'TLCPL')

3:08 CV 148

Plaintiff requests leave to re-file for a Restraining Order – Injunction against Defendant –OR—for an expedited resolution of this matter.

Supporting Memoranda

Plaintiff now believes that the Facts & Law of the matter weigh overwhelmingly in his favor, and warrant a speedy resolution of the matter. Plaintiff cites the following language to support his claims:

I. Lewis v. Wilson Nos. 00-2149 & 00-2181; 8th Circuit, Missouri:

In this matter, Plaintiff Lewis sued the state of Missouri to enforce her right to renew & display a previously issued vanity license plate bearing the phrase: "ARYAN-1". Missouri defended saying that 'the [license plate] is a non-public forum' (just as defendant here suggests of the library). The state also said that the phrase is 'contrary to public policy' for some nebulous reasoning-logic, much the same as defense might say Plaintiff's actions were in our case.

Dicta from the Lewis case:

"While restrictions of speech because of the secondary effects that the speech creates are sometimes permissible, an effect from speech is not secondary if it arises specifically from the content of the speech.."

"The first amendment knows no heckler's veto."

"As we have said, the district court correctly determined that the DOR failed in this litigation to advance any constitutional justification for failing to renew Ms. Lewis's plate. This should conclude the inquiry, for **"[w]hen the Government restricts speech, the Government bears the burden of proving the constitutionality of its actions,"** ***United States v. Playboy Entertainment Group, Inc.*, 529 U.S. 803, 816 (2000)**.

Ms. Lewis is not required to prove the absence of a constitutional basis for the DOR's action; she is simply required to make the initial showing that her speech has been

mark anders tronsen, Pro Se
2132 Glenwood, Toledo, Ohio 43620
(419) 246 2791

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restricted. Once Ms. Lewis made that showing, the burden fell on the DOR to advance a constitutional justification for its action, which it has failed to do."

Ms. Lewis was granted an injunction granting her permission to renew & display the license plate in question (a court previously ordered that it be issued to her against the wishes of the state Department of Revenue, which was (then) responsible for issuance of license plates in Missouri).

II. **SCHNEIDER v. ~~New Jersey~~ state 308 U.S. 147 (NJ, 1939)**

This is an appeal of a criminal conviction of a member of the Jehovah's Witnesses church.
Petitioner Schneider was arrested, charged and convicted of with canvassing without a permit, and appealed. The conviction was OVERTURNED by the USSC.

Dicta from the Schneider case:

"Although a municipality may enact regulations in the interest of the public safety, health, welfare or convenience, these may not abridge the individual liberties secured by the Constitution to those who wish to speak, write, print or circulate information or opinion. "

Plaintiff Tronsen includes all his previous submission by reference.

Plaintiff respectfully Repeats his requests for an Injunction -or- Restraining Order prohibiting defendant from enforcing their (continuing) eviction of Plaintiff from its premises.

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO

Tronsen 308 CV148

v. CERTIFICATE OF SERVICE

Toledo-Lucas County Public Library

Plaintiff on the 17 day of May 2008

Hereby affirms that he served copies of

Request Leave to File for Restraining Order ~~att~~ or Injunction

and

and Supporting memoranda

Upon (Defendants)

and upon the court By Personal Service

or- placing copies in the mail of the US, proper postage affixed

[signature]